

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

LISA RALEY

Plaintiff,

v.

Civil Action No.

CALIFORNIA COMMERCIAL CAPITAL

Defendant.

NATURE OF ACTION

1. This is an action brought under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b), where the acts and transactions giving rise to Plaintiff’s action occurred in this district, (where Plaintiff resides in this district), and/or where Defendant transacts business in this district.

PARTIES

4. Plaintiff, Lisa Raley (“Plaintiff”), is a natural person who at all relevant times resided in the State of Tennessee, County of Knox, and City of Knoxville.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. Defendant, California Commercial Capital (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in which the money, property, insurance, or services that are the subject of the transaction were incurred primarily for personal, family, or household purposes. Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant.

10. Defendant uses instrumentalities of interstate commerce or the mails in a business the principal purpose of which is the collection of any debts, and/or regularly collects or attempts to collect, directly or indirectly, debts owed or due, or asserted to be owed or due another.

11. Defendant sent email correspondence to Plaintiff on at least the following dates and times, and in each such instance failed to notice Plaintiff that the communication was from a debt collector in violation of 15 U.S.C. §

1692e(11).

- (a) May 20, 2010 @ 12:42 P.M.
- (b) May 19, 2010 @ 2:52 P.M.
- (c) May 3, 2010 @ 1:17 P.M.
- (d) March 31, 2010 @ 3:11 P.M.

12. Defendant also stated to Plaintiff it had forwarded Plaintiff's alleged debt to an Attorney in her jurisdiction to pursue legal action, and that such action could only be avoided by immediate payment to Defendant, a false representation in connection with the collection of a debt, and a threat to engage in action that the Defendant did not intend to take. (15 U.S.C. §§ 1692e(5), 1692e(10)).

13. Defendant's actions constitute conduct highly offensive to a reasonable person, and as a result of Defendant's behavior Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and/or emotional distress.

COUNT I

14. Plaintiff repeats and re-alleges each and every allegation contained above.

15. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k, in the amount of \$1,000.00;

- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

TRIAL BY JURY

16. Plaintiff is entitled to and hereby demands a trial by jury.

Dated: August 16, 2010

Respectfully submitted,

Lisa Raley

By: /s/Craig Ehrlich
Craig Ehrlich
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